

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**Charles C. Spielman,  
individually and on behalf  
of all others similarly situated,**

**Plaintiff,**

**Case No. 2:17-cv-612**

**v.**

**Judge Michael H. Watson  
Magistrate Judge Jolson**

**IMG College, LLC, et al.,**

**Defendants.**

**ORDER**

Charles C. Spielman ("Plaintiff") moves for a status conference to discuss "(1) the pending Motions to Dismiss . . . and Motion for Leave to Amend . . . , (2) lifting the stay on discovery, [and] (3) anything else the Court or parties may wish to discuss to expedite disposition of the action and discourage wasteful pretrial activities." Mot., ECF No. 46. Defendants The Ohio State University ("Ohio State"), IMG College, LLC, IMG Worldwide, Inc., and WME Entertainment oppose Plaintiff's motion. Def. Responses, ECF Nos. 47, 48. In Plaintiff's reply to Defendants' oppositions, Plaintiff's counsel represented that Plaintiff would also like to discuss the option of settlement. Reply, ECF No. 49.

To the extent Plaintiff's motion for a status conference may be construed as a motion to lift the current stay on discovery, such motion is **DENIED**. The Court hereby notifies Plaintiff that it will not entertain any further motion to lift the stay on discovery while the motions to dismiss remain pending. Defendant Ohio

State raises the defense of Eleventh Amendment sovereign immunity, which “is an immunity from legal action and proceedings altogether. Forcing [Ohio State] to participate in court-ordered discovery will deprive [Ohio State] of this immunity.” *DRFP LLC v. Republica Bolivariana De Venezuela*, No. 2:04-CV-793, 2009 WL 3756372, at \*8 (S.D. Ohio Nov. 9, 2009).

Additionally, Plaintiff’s motion for a status conference to discuss the pending motions to dismiss and motion for leave to amend are **DENIED**. Those motions are fully briefed, and the Court’s consideration of them requires no oral argument or additional information from the parties at the present time. Should the Court later desire oral argument or further information to aid its resolution of the motions, it will notify the parties by Court order.


Finally, the Court finds that this case would benefit from settlement discussions. To that end, the Court **ORDERS** the parties to participate in a Rule 16(a)(5) settlement conference before Magistrate Judge Jolson. The parties are **DIRECTED** to contact Magistrate Judge Jolson’s chambers within the next **seven (7) days** to schedule a settlement conference. All Defendants, including Ohio State, are **ORDERED** to participate in the settlement conference.<sup>1</sup> The Court further advises the parties that it will not rule on the motions to dismiss or motion for leave to amend until after they have engaged in good faith settlement negotiations.

---

<sup>1</sup> The Court will not consider Ohio State’s participation in the settlement conference as consent to the Court’s jurisdiction over it as a party to this action, and should settlement discussions not prove fruitful the Court will rule on the pending motions as briefed.

The Clerk is directed to terminate ECF No. 46 from the Court's pending motions list.

**IT IS SO ORDERED.**

  
**MICHAEL H. WATSON, JUDGE**  
**UNITED STATES DISTRICT COURT**